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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 40th MEETING
(SECOND PART*)

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on Monday, 24 February 1992, at 3 p.m.

Chairman: Mr. WALKER (Australia)
later: Mr. SOLT (Hungary)

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* The summary record of the first part of the meeting appears as document E/CN.4/1992/SR.40.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued)

(E/CN.4/1992/3, 4, 25, 26, 27 and Corr.1, 28 and Add.1, 29, 30/Add.1, 31-37, 60 (S/23212), 64, 67, 68 and 72; E/CN.4/1992/CRP.1 and 2; E/CN.4/1992/NGO.2, 5, 10, 13, 19, 24 and 34; E/CN.4/1991/24, 27, 28, 29, 30, 31, 33 and Add.1, 34-36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

1. Mr. de LEON (American Association of Jurists) said that the internal note of 12 December 1991 by the chief economist of the World Bank, which had come to public notice, was an encouragement to commit massive human rights violations against the peoples of the Third World. That official had recommended that more environmentally polluting industries and more toxic waste should be sent to the developing countries - a procedure that was considered perfect from the standpoint of economic logic, since the health costs caused by pollution were lower in those countries and life expectancy was short. That had not been said in jest, as the President of the World Bank had claimed: it was an expression of the economic thinking in the World Bank. The Commission could not let it pass without comment, since the World Bank, although a de facto instrument of the major transnational corporations, was officially a specialized agency of the United Nations.

2. One case in which that Malthusian economic thinking was applied was that of Peru, where the Government's efforts to make the country a paradise for foreign investors had led to the tragic impoverishment of the majority of the population and caused the State to relinquish its efforts to satisfy the educational and health needs of the population and fulfil its role in social welfare, thus leaving the most vulnerable sectors completely unprotected. Those who worked to alleviate the increasingly harsh living conditions, such as Maria Elena Moyano, were killed by members of the Shining Path movement, and those who, in the name of the Constitution and the law, tried to defend persecuted, tortured or disappeared persons were victims of State terrorism. Some voices of criticism were nevertheless raised, even in the corridors of power. One was the voice of Mr. Hernando de Soto, adviser and representative of the President of Peru in the anti-drug-trafficking campaign, who had just resigned and explained in an open letter that a fifth column within the State, linked with the drug traffickers, had sabotaged his efforts. Parliament was endeavouring to maintain its powers against the encroachment of the Executive into its sphere of competence. The Commission should consider the question of the human rights situation in Peru.

3. The American Association of Jurists welcomed the moves in El Salvador towards a peaceful solution and the effectiveness of the work carried out by ONUSAL, but considered that the Commission, as the highest United Nations human rights body, should continue to deal with El Salvador and not repeat the error made in the case of Guatemala by terminating the Special Rapporteur's mandate.

4. As to the situation in Guatemala, it was significant that after over 30 years of military dictatorship, the formal power of the presidency had been handed down from one civilian Government to another, yet in his first year in office, President Jorge Serrano Elias had failed to put an end to impunity or to prevent serious violations of human rights despite the requirement in the Constitution that the State was under an obligation to guarantee and protect a person's life, integrity, security and liberty. The mainly indigenous peasants, who made up the majority of the population lived under absolute military control exercised through the civil defence patrols, in which the people were forced to take part. Thousands of displaced persons were constantly persecuted and attacked by soldiers and paramilitary groups. Together with peoples' organizations and human rights groups, they were accused, even by the President himself, of being linked with insurgency. The situation was clearly described in the report by Mr. Tomuschat, the independent Expert (E/CN.4/1992/5).

5. Some people tried to assess the situation statistically while others argued that human rights violations were the result of the internal armed conflict, which would produce violations so long as it continued. Such absurd arguments merely encouraged impunity for criminal acts. The full enjoyment of fundamental rights and freedoms could allow of no conditions or limitations. The problem could not be viewed purely in terms of law, since the main cause was the lack of political readiness to attach sufficient importance to human rights violations. Admittedly, some proceedings had been begun against low-ranking officials, members of the security forces and paramilitary groups, but they were finally allowed to remain at liberty and in no case had proceedings been brought against the ones who were ultimately responsible. In many cases, innocent people had been accused. Not even in the case of the Santiago Atitlan massacre committed by the army in 1990 had proceedings been taken against the leaders, because it had been argued that the crime had been committed by drunken soldiers. The same had been said about the Peronia massacre in January 1992.

6. If lasting peace was to be established, the terrible crimes committed against the population of Guatemala had to be cleared up. From 1 January to 18 February 1992 there had been 125 extrajudicial executions of individuals and 17 extrajudicial collective executions, as well as the disappearance of one person in detention. Clearly, there was a marked deterioration in the situation of human rights and fundamental freedoms in Guatemala, sufficient under resolution 1991/51 to allow the Commission to deal with the case of Guatemala under agenda item 12 and to appoint a rapporteur to conduct an exhaustive investigation into the situation in that country.

7. The Commission should also express concern at the serious violations of human rights being committed in Algeria and call upon the de facto Government to prepare the conditions for immediate return to a democratic regime.

8. In the matter of the Kurds, the international community, and particularly the Commission on Human Rights, should begin to consider and seriously negotiate with the countries concerned a solution that was based on the right to life, security and recognition of the identity of the Kurdish people. The judge in charge of the investigation into the murder of Kazem Rajavi nearly

two years earlier had so far been unable to obtain the collaboration repeatedly sought from the Iranian authorities to clear up the crime. The Commission should urge the Iranian Government to respond to the judge's requests without further delay.

9. If the Commission decided to continue to deal with the situation of human rights in Cuba, it should do so comprehensively and also examine the violation of the economic and social rights of the Cuban people committed by the United States Government through the total blockade applied against Cuba for the past 30 years. The Special Representative spoke in his report E/CN.4/1991/27 of serious difficulties it had caused. The embargo was an economic aggression that was clearly contrary to the Charter of the United Nations and it deprived the Cuban people of products that were essential for their health and their lives. He wished to draw attention in that regard to document E/CN.4/1992/NGO/12, submitted by various non-governmental organizations, including his own.

10. In the case of Kuwait, the Commission considered the violations of human rights, including economic and social rights, stemming from the Iraqi aggression, but not the violations committed by the Government of Kuwait against its own people and foreign residents in Kuwait. It was interesting to see in that connection the Special Rapporteur's comments on his mandate, in paragraphs 7 and 8 of his report (E/CN.4/1991/26). In its study of situations, the Commission should harmonize its criteria and give comprehensive consideration to all cases, taking account of all the internal and external factors leading to violations of human rights - civil, political, economic and social.

11. Mr. GRIFFITHS (Action Aid) said that the principal focus of his organization - a development organization working in 19 countries - was on long-term development work, and it was also involved in emergency and rehabilitation work. It was the organization's experience in Somalia and other countries that inspired him to make his statement.

12. There had recently been considerable discussion on the scope and legitimacy of humanitarian action in a changed world. There were new challenges and opportunities and some optimism about the chance to act promptly and in good faith to improve the circumstances of people in need. Action Aid welcomed the appointment of Mr. Eliasson as Humanitarian Aid Coordinator and the recognition that much still had to be done to improve the international community's capacity to respond to urgent needs and to the frequent abuses of the most fundamental human right: the right to life.

13. Mr. Eliasson's position was, however, seriously undermined as a result of a lack of vision and clarity. It was not clear what he was permitted to do or when he could send assistance to those for whom his post had been created. The United Nations system, on whose resources and authority he depended, had shown that it could on occasion act to save the victims of disasters, but it had too often failed to act expeditiously to save lives, partly because of the coordination between the various United Nations agencies, which Mr. Eliasson would doubtless improve. There was the far greater problem, however, of the need to agree on the mandate for the Coordinator's office, for it was

essential to be clear about the circumstances that would require action by humanitarian agencies even when host Governments had not requested such action or when there was no sufficient internationally recognized administrative authority to make such a request. Sovereignty was not an absolute principle: it existed for the higher purpose of providing an administrative framework within which human rights could be protected and thrive. If it failed to provide such protection it was unworthy of respect. It was a means to an end, not an end in itself. It was first of all the citizens themselves who could judge when the sovereign Government had failed to protect and promote their rights, but the United Nations had a legally defined right and duty to act when the fundamental rights of peoples were infringed or regional stability was threatened. The new world order, which raised so much hope about ending conflict, was also a matter of concern. One serious danger was that a United Nations dominated by a northern consensus would ride roughshod over the rights of southern Governments and peoples, sometimes possibly claiming concern for human rights as its justification. Plainly, there was an urgent need to prescribe clear principles and processes for United Nations action and its limits.

14. In order to act in situations where there was no clear request from a sovereign Government, there had to be a situation of a gross and continuing abuse of the right to life and a persistent and widespread risk to life. In such circumstances, the United Nations, through the Security Council, must declare that such a situation did exist and that action on behalf of those in need was sanctioned. The action must then be legitimized by such regional organizations as the Organization of African Unity or the Organization of American States, which could put an essential brake upon the Security Council. Lastly, there must be an international framework of law to encompass such action and provide for appeal. The International Court of Justice might play that role and protect nations and peoples from the potential tyranny of the Security Council. It would need to define what constituted a sufficiently gross abuse of human rights to legitimize humanitarian action and would need to protect and enforce that definition. The new international consensus could not be allowed to become a vehicle for hegemony, but the opportunity for fraternal concern must not be lost.

15. In the absence of the requisite clarity about processes and principles, the United Nations system's response would continue to be flawed and non-governmental organizations would have to carry on being the conscience of all concerned in acting outside the boundaries of international agreements, to their risk and often to their great credit. He urged the Commission and Member States of the United Nations to provide Mr. Eliasson with a clear mandate, without which he might fail in his increasingly urgent task.

16. Mr. JOHNSSON (Inter-Parliamentary Union (IPU)) referring to protection of the human rights of parliamentarians reminded the Commission of the discussion that had taken place at the previous session and drew attention to issue No. 1/89 of the Human Rights Bulletin issued by the Centre for Human Rights, which contained a succinct description of the complaint procedure. He would limit his comments to the new cases that had been brought to public attention by the IPU since the last session.

17. The first case concerned Mr. Mbele Abang, Vice-President of the House of Representatives of the People of Equatorial Guinea, who was alleged to have been placed under house arrest in November 1990, to have had his parliamentary mandate revoked, and to have continued to suffer persecution, including restrictions on his freedom of movement. The authorities of Equatorial Guinea had stated that disciplinary proceedings had been instituted against him by his own political party because he had advocated the establishment of multi-partyism, whose applicability under the Law on Political Parties depended on the degree of political development reached in the country. The legislation in force meanwhile granted exclusive status to the Democratic Party of Equatorial Guinea. Mr. Mbele Abang had been expelled from the party and had lost his seat in parliament. The IPU had pointed out that he had been an elected parliamentarian and that he could only be deprived of that mandate in the instances and in accordance with the procedures laid down in article 23 of the Rules of the House of Representatives of the People. No provision of the statutes of the single party of Equatorial Guinea could be invoked to justify the recall of a Deputy representing that party since article 117 of the Constitution stipulated that Deputies were not bound by any imperative mandate and that the rules of a party could not be considered superior to the Constitution. In the light of article 19 of the International Covenant on Civil and Political Rights, it was unacceptable that the mere expression of a political view could lead to the loss of a parliamentary mandate.

18. Mr. Sukatno, a former parliamentarian from Indonesia, had been sentenced to death on 11 March 1971, in a trial whose fairness had been contested, for involvement in the 1965 coup attempt, subsequent attacks on several police stations and efforts to restore the Indonesian Communist Party. During his 23 years in prison, he had systematically refused to appeal to the President for clemency, since the law provided that no death sentence could be executed before any presidential decision had been taken and thus prohibited the execution of a condemned person so long as no appeal for clemency had been rejected. Many prisoners had allegedly refrained from seeking clemency for that reason. The IPU had been informed that in 1986 an appeal for clemency had been lodged ex officio on Mr. Sukatno's behalf, and contrary to his will, by the head of the District Court of Central Jakarta. The Minister of Justice had made a recommendation against clemency, while the Indonesian Parliament had recommended in favour. The IPU, which was supporting Parliament's recommendation, considered that execution, if carried out, would be arbitrary and would constitute a grave human rights violation.

19. Mr. Mohamed Latheef, who had been a member of the Citizens' Majlis of the Republic of Maldives since the beginning of 1990, had been advocating greater freedom through constitutional reform. Since 19 September 1990, his freedom had allegedly been restricted under ministerial measures. He had been charged with making derogatory and subversive statements against the State and sentenced to six months' banishment from April 1991 onwards, but had subsequently been granted a presidential pardon and had reportedly been released on 8 October 1991. The IPU was concerned about a possible violation of article 19 of the International Covenant on Civil and Political Rights and was therefore seeking detailed information on the facts substantiating the charges brought against Mr. Latheef, as well as on the conduct of the trial,

in order to determine whether he had been offered all the generally accepted defence guarantees. Furthermore, Mr. Latheef had been barred from standing for elections for the next eight years.

20. The most serious case brought to the IPU Committee's attention in recent years on the human rights of parliamentarians involved some 65 elected members of the People's Assembly of Myanmar. All belonged to the National League for Democracy and all but one had been sentenced to long prison terms after summary trials or were being held without charge. One of them, Mr. Tin Maung Win, had died in prison on 18 January 1991. The National League for Democracy had won 392 of the 485 seats in the People's Assembly in the legislative elections held on 27 May 1990, but the Assembly had never been convened. The IPU had pointed out that failure to convene it showed that the Myanmar authorities intended to evade the outcome of the elections, in disregard of article 21 of the Universal Declaration of Human Rights.

21. On 10 July 1991, the Myanmar authorities had issued Order No. 4/91, defining offences relating to law and order and moral turpitude, and Law No. 10/91, which amended the Election Law with retroactive effect to 31 May 1989. The IPU Committee had pointed out that those retroactive amendments, which would lead to the disqualification of several parliamentarians elected on 27 May 1990, were contrary to article 11 of the Universal Declaration of Human Rights.

22. In a resolution adopted unanimously on 12 October 1991 by the representatives of nearly 100 national parliaments, the IPU had called upon the Myanmar authorities to provide detailed information on the situation with respect to each of the elected members of the People's Assembly and to authorize an IPU fact-finding mission to meet the detainees themselves and their lawyers. In a letter dated 8 January 1992, the Myanmar authorities had stated that they were unable to agree to the request, invoking their cooperation with the Commission as a reason. Cooperation with the United Nations could not be viewed as a reason for failing to respond to the concern of the interparliamentary community at the failure to respect the will of the people of Myanmar, as expressed in free and fair elections, and at the fate of a large number of fellow parliamentarians. The IPU maintained that a mission was the best means of obtaining objective and accurate information and urged the authorities to reconsider their decision.

23. Throughout history, atrocities had often led to action by the international community. A case in point was the Convention on the Prevention and Punishment of the Crime of Genocide, which had followed the atrocities committed during the Second World War. Several recent conflicts involving national, ethnic, racial, religious or cultural groups had served once again to focus world attention on the crime of genocide, and the Inter-Parliamentary Union had therefore decided to discuss the issue at its most recent Conference, under the heading "Development of measures to prevent and intervene against genocide through international cooperation within the framework of competent international bodies, such as the United Nations". That title reflected, first, the clear need to take additional measures to prevent and intervene against genocide; second, the fact that only multilateral action should be envisaged, so that States could not use the need

to resort to armed force for humanitarian ends as a pretext for illegitimate intervention that violated the territorial integrity or political independence of States; and, third, that the United Nations was best placed to act on behalf of the international community in such circumstances. Following an extensive discussion, representatives from 95 national parliaments had unanimously adopted a comprehensive resolution on the subject (E/CN.4/1992/NGO/35), which contained a large number of recommendations for specific action. One of the recommendations called upon the Commission on Human Rights to appoint a special rapporteur on genocide to report annually on progress made in the prevention and punishment of the crime of genocide. It was hoped that the world community could thus deal with specific instances of genocide or situations that might develop into genocide.

24. Ms. PARKER (International Educational Development Inc. (IED)) said that in the Spring of 1991 her organization and its affiliate, the Humanitarian Law Project, had undertaken a mission to Turkey to investigate the situation of Kurdish people there. It had prepared a report in which it concluded, firstly, that since 1985 the Kurdish Workers Party (PKK) and its National Liberation Army (ARGK) operated under responsible command, were engaged in a sustained and concerted conflict between their forces and the Turkish Army, controlled sizeable territory and were able to implement obligations under the Geneva Conventions and customary humanitarian law. The Turkish army and the ARGK were required to comply with the civil war rules under customary international law, and other States must also fulfil their obligation to refrain from intervening in the conflict.

25. Secondly, both the Turkish Army and the ARGK were violating humanitarian law. Reliable information from members of the Turkish Parliament and other sources indicated that captured opposition combatants rarely survived detention. Torture of suspected PKK sympathisers was widespread and the Turkish Army attacked the civilian population as a regular part of its war strategy. Medical personnel and the clergy were not protected. Moreover, there were difficulties in assessing the ARGK. Her organization urged the Commission to condemn Turkey for its violations and to call upon both parties to the conflict to respect humanitarian law. The relevant rapporteurs and working groups of the Commission should pay particular attention to cases involving the Kurdish people in Turkey. She would also urge the Commission to consider the situation of Kurdish people everywhere, in a balanced and equitable way.

26. IED had been commenting for several years on the armed conflict in Sri Lanka between Government forces and the Liberation Tigers of Tamil Eelam (LTTE), which was a major cause of the gross violations of human rights that had taken place in that country. The Government, possibly encouraged by international inaction, continued to wage a violent war not only against the LTTE but also against the Tamil civilian population. The Commission had taken no action on the situation in Sri Lanka since 1987, when the atrocities against the Tamil people had begun to escalate dramatically. The Tamil people might have a clear case for self-determination based on the historical facts and on the persistent refusal of the Sinhala majority to meet their aspirations and goals. Since 1987 the Sri Lankan Government had been on the rampage not only against the Tamil people but also against Sinhala opponents

in the south. As could be seen from the report of the Working Group on Disappearances (E/CN.4/1992/18/Add.1), there had been 2,879 disappearances in 1989 and 1,576 in 1990, compared with 136 in 1987. The Commission should call on the Government and the LTTE to agree to international mediation to settle the armed conflict within the context of human rights and self-determination and to appoint a rapporteur to investigate the human rights situation in Sri Lanka as a whole.

27. The human rights situation in Myanmar was so appalling that the strongest possible action would be grossly inadequate. It was to be hoped the Commission would heed the urgings of many non-governmental organizations and step up its action. The case of Aung San Suu Kye, which IED had brought to the attention of the Working Group on Detention, was one of thousands that could be raised. The international community, and particularly the Commission, must take strong steps to ensure that the people chosen in democratic elections were able to take their rightful places and that, until they did so, there would be no normal relations with Myanmar. The Commission must not forget the special situation of the ethnic minorities, particularly the Karen people, who had been struggling against successive governments for many years. Any evaluation of the situation in Myanmar must take account of the application of the norms of customary humanitarian law and any process for negotiation and settlement of the human rights and political crisis must take account of the legitimate aspirations of the Karen people.

28. IED remained concerned at the Government-released figures of death sentences and executions in China, and at the continued repression of religious groups and ethnic minorities there. Moreover, China's continued occupation of Tibet and its consequences were the sole cause of the tragedy in that country.

29. Despite resolutions of the United Nations, and notwithstanding the hopes raised by the 1972 Simla Agreement, a final settlement of the Jammu and Kashmir issue was not yet in sight. The Commission should take prompt action to prevent a worsening of the crisis in the human rights situation there.

30. In the United States of America there were more than five times as many political prisoners, including Leonard Peltier, Geronimo Pratt and Puerto Rican nationalists, than there were in Cuba. Also, the ill-treatment of detainees of colour, the denial of the freedom of religion of Indian peoples, and the application of the death sentence to persons who were minors or mentally retarded at the time of their crime were all well-documented violations of human rights. In addition, United States policy with regard to Haitian refugees warranted action by the Commission. As for Guatemala, an explanation of the lower figure for political prisoners had been offered by one United States delegate: the Government simply liquidated captured persons, while the absence of dental records for Indians precluded the identification of bodies.

31. For those reasons, IED considered that, if the criteria for addressing situations under item 12 were uniformly applied, Guatemala, and perhaps the United States, rather than Cuba, should be under examination. Indeed, it

believed that they should be scrutinized by a special rapporteur under item 12, while Cuba should either be struck from the list or moved to the category of countries receiving advisory services.

32. Mrs. SMITH (Four Directions Council) said that, 500 years after Columbus, indigenous peoples of America were still engaged in a daily struggle against human rights violations perpetrated by the Government of the United States of America.

33. In Arizona, the Dinéh (Navajo Indian) people - to which she belonged - were, with their neighbours the Hopi, resisting relentless, greed-inspired pressures on them to abandon their life-giving ancestral lands, in continued and flagrant violation of the treaty signed 130 years ago with the United States Government. They and their livestock were subjected to constant harassment: animals were being impounded and then sold, no compensation going to their owners; the Bureau of Indian Affairs, a department of the Government of the United States, was building fences that impeded grazing, was diverting watercourses and capping wells. Sacred shrines and burial sites were being dismantled or destroyed; the Indians' freedom of worship was being denied by the descendants of bible-toting settlers who had occupied their territory in their own flight from persecution in Europe.

34. The Navajo and Hopi were not alone in their suffering. To the south, the Apache - who had themselves long ago named all the stars - were endeavouring to save their sacred mountain, set aside for the building of an astrophysics complex to name the stars. To the north, the children of the Lakota Sioux adopted outside of the tribe were being deprived of their heritage under Public Law 96-274, and the fate of future generations was in jeopardy.

35. Each day, she prayed to the Creator, as her own grandparents had done, for peace in their homeland for her children's children. She was grateful to the members of the Commission for listening to her appeal.

36. Mr. Solt (Hungary) resumed the chair.

37. Mr. PREJEAN (International Indian Treaty Council (IITC)) spoke of IITC's efforts to counter the preposterous 500-year-old fabrication of the "discovery" of territories occupied by indigenous peoples since time immemorial, and to call attention to the iniquities which had succeeded to that initial falsehood, notably the failure of the United States Government to observe more than 800 treaties concluded with indigenous peoples of America, including five treaties with the Hawaiian Kingdom. Apart from the spoliation of their territory, resources and treasures, those peoples suffered from the rape of their homelands by nuclear testing - more than 700 nuclear bomb tests on the traditional lands of the Western Shoshone Indians in Nevada - the dumping of toxic waste and the destruction of chemical weapons.

38. In 1993, the Hawaiian Kingdom would be commemorating a century of dishonour, infamy and broken trust on the part of the American colonial authorities and so-called system of justice. In actual fact, the puppet State of Hawaii government had been established in 1959 in violation of the

Article 73 of the Charter of the United Nations. Given the coincidence of dates with the International Year for the World's Indigenous People, IITC hoped that the Commission's Special Rapporteur on indigenous populations would be enabled to participate in the events scheduled for 1993 and that the events would receive United Nations backing.

39. Other peoples whose fate was a matter of particular concern to IITC included the Hopi in Big Mountain, Arizona, where more than 7,000 Hopi had been forcibly removed and relocated; the 16 million-strong Chicanos, who constituted the largest indigenous group in the United States, the Gwich'in and other native peoples of Alaska, and the Kuna and other peoples of Panama, as well as the indigenous populations in El Salvador and Guatemala, (where investigations by special rapporteurs under agenda item 12 were particularly urgent), in Western Sahara and in East Timor, where serious incidents formed part of a pattern of officially-sanctioned violence. Lastly, IITC wished to draw particular attention to the sufferings of the Tamils of Sri Lanka at the hands of the Government, which had admitted to the massacre of nearly 200 Tamil citizens in June 1991. The prohibitions set out in Emergency Regulations No. 1 plainly constituted grave breaches of humanitarian law.

40. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples), cited article 18 of the Universal Declaration of Human Rights, and said that unless the international community reacted firmly and as a matter of urgency, the harm caused by past and present violations of the freedom of thought, conscience and religion would be perpetuated in the future.

41. He traced such violations back to the thirteenth-century Tribunal of the Inquisition established by Pope Gregory IX, to sixteenth-century repression of heresy throughout Christendom, and subsequent centuries of oppression and political-religious strife. Today, the dark tradition of the totalitarianism of the Inquisition was alive in the religious teachings of persons like Monsignor Lefebvre, the xenophobic and racist politics of the extreme right in Europe, and the aberrations of bodies such as the Klu Klux Klan in the United States, while upheavals in parts of Central and Eastern Europe were leading, inter alia, to an abdication by the State of its duty to observe neutrality in matters of religion or belief. He wished to call particular attention to what he would term the "Islamic Inquisition", which had its roots in Iran, Saudi Arabia and Sudan. In the first of those countries, the Commission's Special Rapporteur had drawn conclusions and made recommendations which could fail to be endorsed. The people of Saudi Arabia, a country that appeared to enjoy curious immunity in the Commission, were suffering political and religious oppression at the hands of the ruling dynasty, which prohibited the simplest of pleasures and even went so far as to deny women the right to drive automobiles on the grounds of Mohammed's teachings, although automobiles had not existed in the times of the Prophet. Yet while the scions of the monarchy disported themselves abroad in decidedly un-Islamic fashion, Mosques financed by Saudi Arabia could be found all over the world, but where were the places of non-Islamic worship in Saudi Arabia? As for Sudan, the Chief Justice of the Republic had, a few days earlier, told the Commission that Islam was a system of government as well as a religion, and had spoken of the court's application of the principle of an eye for an eye; there appeared to

be no presumption of innocence. The Sudanese leaders, not content to oppress their own people, were endeavouring to export the Islamic Inquisition to all the member countries of the Organization of African Unity and were channelling the financial resources sorely needed for development at home into support for fundamentalist movements abroad, which were intended to create hatred and destabilization.

42. The past 30 years in Chad had seen the systematic violation of human rights by successive leaders in their scramble to secure and retain power; each change of dictator was accompanied by a wave of renewed and cynical violence, to which must be added the harm caused as a result of meddling by foreign powers in Chad's internal affairs. The current dictator had undertaken to defend human rights and fundamental freedoms, but recent events - including the assassination of the Vice-President of the Chadian League for Human Rights - belied the seriousness of that commitment.

43. Lastly, the stability which Algeria had long enjoyed, and which had enhanced that country's prestige as spokesman for the countries of the South, had been eroded by the ruling party's failure to introduce necessary reforms, thereby opening fissures in the political edifice which religious extremists had not been slow to exploit. A heavy price was being paid for the absence of the political pluralism which might have diverted excesses by broadening participation in the country's affairs and acting as an early warning system when the situation began to get out of hand. Worse, the current confrontational behaviour of the FLN might well prove counter-productive, through the creation of victims and - consequently - of heroes in the ranks of the FIS. Profound institutional reform, with the guarantee of respect for democratic rules and continuity, as well as for basic human rights, offered better prospects of a return to normal. To win back the confidence which the poorer sections of the population had accorded to the demagogues of the Islamic Inquisition, the Government must also act rapidly to create jobs, build houses and combat corruption in high places.

44. Mr. KHOURI (Union of Arab Jurists) said that representatives of 14 international and national non-governmental organizations meeting in Geneva had addressed the question of the continuing and often increasing suffering of civilians, especially infants and young children, in Iraq. A picture of that very serious situation had been given in recent reports by a number of United Nations agencies and by several universities. Recognizing the urgency of the needs of the civilian population of Iraq, which was reflected in the alarming increase of infant mortality, estimated by the Harvard University study team at 170,000 deaths in one year - and which was aggravated by severe shortages of food and basic medicines and by the disruption of the civilian infrastructure, the signatories appealed to the Commission on Human Rights on behalf of their organizations or in a personal capacity, to take every possible measure to halt the violations of international human rights instruments and international humanitarian law resulting from the continuation of the economic embargo against Iraq. They further called for the scrupulous application of those exceptions to the United Nations embargo which would ensure that humanitarian and civilian needs were met.

45. Mr. MALUZA (World Social Prospects Study Association) said that the movement to overthrow oppression and dictatorship currently sweeping the continent of Africa was being met with massive human rights violations on the part of Governments. It was no exaggeration to say that the current freedom movement was comparable to the one that had done away colonialism more than 30 years ago.

46. Madagascar provided one of the most striking examples of a Government's resistance to democratic change, which had culminated in the bloody events of 10 August and 23 October 1991. Independent witnesses corroborated reports that the armed forces had searched hospitals and tracked down wounded demonstrators in order to conceal evidence of the massacre. Medical records of the dead and the wounded had disappeared. The governmental inquiry into responsibility for the massacres had no chance of success, on account of the pressure exerted by President Ratsiraka.

47. Despite official denials, serious human rights violations were regularly committed in Burundi, where ethnic tensions had led to massacres on some half-dozen occasions since 1962. The most recent troubles, in November and December 1991, had led to the deaths of more than 3,000 persons, while 50,000 others had taken refuge in Zaire and Rwanda. The Commission should urge the Government to enter into round-table negotiations for the return of all the refugees, involving all of the ethnic groups concerned in the democratic process which had been promised but had not so far materialized.

48. In Togo, too, recent attempts by army elements in the pay of President Eyadema to reverse the process set in motion by the Sovereign National Conference had led to at least 30 people dead and 200 wounded in November 1991. The offices of independent newspapers had been ransacked and opposition sympathizers hunted down. Without timely intervention by the international community, Togo's scheduled elections would be at serious risk.

49. In Zaire, the move towards democracy announced by President Mobutu in April 1990 had been followed less than three weeks later by the massacre of more than 100 students at the University of Lubumbashi. Shortly afterwards, other massacres had taken place in Kinshasa and in Mbuji-Mayi. During 1991, several people had been abducted or murdered by the Hibou commando group, which was trained by South African mercenaries recruited by the President. Among the most blatant cases of attacks on students, journalists and human rights defenders and activists in recent months were the murders, on 4 September 1991, of a number of activists at their respective party headquarters or in their homes. Several persons had been arrested in connection with the murders, all of them from units closely associated with the presidency. Other persons had been arbitrarily detained and tortured in the private cell of General Fangbi Kegbe, President Mobutu's brother-in-law. Since the new Prime Minister, Nguza Karl i Bond, had taken office on 29 November 1991, more than a dozen people had been slain or abducted. Civil Guards had attacked a funeral procession with tear-gas grenades, and an assault had been mounted on the headquarters of one of the political parties. All those violations were part of a deliberate strategy of State terrorism waged by the Government against the civilian population, the intention being to halt the process of democratization and prevent a

Sovereign National Conference from being held. On 16 Feburary 1992, the President's elite troops had opened fire without warning on thousands of peaceful Christians calling for the relaunching of that Conference, which the Government had suspended on 19 January. At least 32 people had died in the incident. Radio and television were also censored, and Belgian journalists had been expelled on two occasions. Freedom of movement was seriously curtailed.

50. Notwithstanding the statement made by the representative of the Zaire Government before the Commission the previous week, human rights violations were nothing new in Zaire: they were an integral part of the system. The violations were a technique for governing, worked out with the support of a number of Western countries, which had provided the Zairean security forces with equipment and know-how. Those violations did not stem from a lack of financial or material resources; on the contrary, reports by UNDP and the World Bank showed that expenditure on health amounted to only 0.8 per cent of GNP, while 0.4 per cent was assigned to education. Military and security expenditure was 250 times the amount spend on health and education. The need, then, was not for external credit, advice or admonition, but for a total reshaping of the Government's conscience and thinking. Over many years of an authoritarian regime, Zaire had become one vast concentration camp and its people had been taken hostage by one man and one political clan who had sworn to fight to the bitter end, and to destroy the country sooner than give up power.

51. Elsewhere in Africa human rights continued to be violated. Journalists had recently been arrested in Rwanda. Opposition elements were systematically arrested in Cameroon. Advocates of democracy and many students had recently been imprisoned in Côte d'Ivoire. The recent murder of Joseph Behidi, Vice-President of the Chadian Human Rights League had revealed the full extent of the threat to the democratic process in Chad, a country where one person in two bore arms. The Commission's reaction to all those violations must be to shield the peoples of Africa, not their Governments. The true causes of the human rights violations were impunity and the logistic and military support provided to the regimes by their western allies. His organization urged the Commission to send a mission of inquiry to the countries where the massacres had taken place, and teams of experts to monitor elections in those countries.

52. Ms. TIPAZ (Indian Council of South America), speaking on behalf of the Sectores Surgidos por la Represión y la Impunidad, which brought together various organizations of widows, displaced persons, refugees, comunidades de población en resistencia (resistance communities), ethnic communities and families of those who had disappeared in Guatemala, said that policies of genocide and repression were institutionalized in Guatemala. During the 1991 presidential campaign, Jorge Serrano Elias had presented himself as the standard-bearer of peace, human rights and reconciliation. However, in the months following his inauguration as President, there had been widespread persecution by the military and security forces of indigenous organizations, popular and trade union movements and representatives of the Church and the press. In 1991, five members of the Runujel Junam Council of Ethnic Communities had been murdered, and resistance communities in the Sierra and Ixcán, whose status as an indigenous and non-combatant civilian population had

been recognized by the Commission's independent Expert, Mr. Tomuschat, had come under systematic military attack from the Government. The headquarters of the Association of University Students (AEU) had been dynamited by a paramilitary group operating under the cloak of the State security forces; and on 15 January, Eliseo López Alcón, of the Comunidades de Población en Resistencia de la Sierra, had been captured by the army and tortured, before being handed over to the Human Rights Procurator, who had taken no steps to condemn the incident.

53. The Sectores Surgidos por la Represión y la Impunidad welcomed the start of a dialogue and negotiations between the Government and Unidad Revolucionaria Nacional Guatemalteca (URNG). Nevertheless, the process was threatened by the persistence of human rights violations, systematic repression and impunity for the guilty. There could be no true peace, rule of law or democratic society without genuine participation by civilian society in decision-making. Those goals could not be achieved in Guatemala without the support of the international community. She welcomed the role played by Mr. Tomuschat in his capacity as independent Expert. However, it was regrettable that the fact that his good offices and hard work had not led to a radical change of attitude on the part of the State and the security forces. Clearly, an independent Expert could not provide a response commensurate with the gravity of the current situation in Guatemala. She therefore called on the Commission on Human Rights to appoint a special rapporteur for Guatemala, as a means of making a decisive contribution to improving the situation in that country.

54. Ms. de VLAMING (World University Service) said that the World University Service was still concerned about the human rights situation in Guatemala, which had worsened during 1991, when many students and members of the academic community had been the victims of disappearances, torture and extrajudicial executions. Most recently, the offices of the Association of University Students (AEU) at the campus of the University of San Carlos had been bombed, apparently for no greater reason than that it had organized seminars on how to reach a peaceful settlement in Guatemala and had been involved in setting up human rights courses at the University. Equally disturbing was the murder, some two weeks ago, of Manuel Estuardo Pena, a Professor of History and Director of the Association of Guatemalan Teachers at the same University of San Carlos. According to Mr. Pena's widow, her husband had been killed with weapons used only by military personnel. At the time of his death he had been involved in a research project on the living conditions of the urban poor. Less than 24 hours after his death, the body of Luis Solares, a medical student at the University, had been found on the outskirts of San Carlos: it was clear that he had been tortured before being shot. Plainly, violence against the academic community in Guatemala had increased in the past two months, and the situation merited consideration under item 12 of the Commission's agenda.

55. A similarly gloomy state of affairs prevailed in Colombia, where the education sector had been seriously affected during 1991. According to the Colombian Federation of Educators, 55 teachers and around 70 students from

different parts of the country had been victims of political killings in that year alone; in the first one and a half months of 1992, five teachers had been killed and one had disappeared, while 1,800 other teachers had been threatened with similar brutal violence.

56. As an organization concerned with the right to education, the rights of those receiving education and those working in the education sector, World University Service was properly concerned by the situation in Tibet, where, since 1989, schoolchildren no more than 14 years old were being punished with incarceration in adult prisons or "reform through education", on the grounds that they had formed a counter-revolutionary organization and had distributed posters calling for the independence of Tibet. The sentences were a clear violation of the right to freedom of expression, and holding children in adult prisons was a breach not only of international standards but also of China's own laws.

57. The human rights situation in Sri Lanka was grave: more than 10,000 persons were still in arbitrary detention, where they were systematically tortured, while more than 60,000 persons were said to have disappeared during the past three and a half years. Although opposition groups had undoubtedly used violence, the Government had failed to take appropriate action with regard to the charges of massive human rights violations in the country, and had deliberately blocked efforts to investigate such violations. It had even extended immunity to security personnel. It was also clear that the Government was engaged in a campaign against non-governmental organizations.

58. Disturbing reports had been received in recent years regarding violations of human rights in Bhutan, and particularly in the south, where the population had been seriously victimized. Her organization understood that almost all educational institutions had been closed and that some schools were being used as army barracks. There were reports of mass arrests of students and teachers and students involved in the human rights movement had been arbitrarily detained and tortured. Some had allegedly been killed or had disappeared and there were many reports of rapes by members of the military. Thousands of students were apparently living in exile in Nepal and India.

59. World University Service welcomed the agreements signed by the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN) on 16 January 1992. If fully implemented, they would bring about important changes in Salvadorian society, reducing the power of the armed forces and strengthening civilian structures. Unfortunately, the human rights situation had not improved, and it emerged from the report on cooperation with representatives of United Nations human rights bodies (E/CN.4/1992/29) that death threats had been issued against persons in respect of their possible future cooperation and contacts with the United Nations Observer Mission in El Salvador (ONUSAL). Such threats seriously undermined the effectiveness of the United Nations mission. In general, the report showed that torture and enforced or involuntary disappearances were widespread in El Salvador; it was imperative for the Commission to maintain the mandate of the Special Representative on El Salvador until peace agreements had been fully implemented and the human rights situation had improved.

60. Ms. SPASIC (Yugoslavia), speaking in exercise of the right of reply, referred to the statement made by the representative of the World Movement of Mothers, who had touched on the question of human rights violations committed during the tragic events taking place in Yugoslavia. The Yugoslav Government's efforts to overcome the crisis by political means as soon as possible were well known and it was therefore unfortunate that the representative of the organization in question had chosen to present a one-sided interpretation of the facts to the Commission.

61. The problem of displaced persons was important for Yugoslavia as a whole, and one which the Republic of Croatia was undoubtedly itself confronting. Official data on the number, nationality and age-structure of displaced persons, their needs and problems, and the aid they had so far received, were to be found in document E/CN.4/1992/73. The document clearly showed that the total of 750,000 displaced persons, to which the representative of the World Movement of Mothers had referred, related to the total number of displaced persons in the territory of Yugoslavia, and not only in that of the Republic of Croatia.

62. With regard to the massacre of civilians and the destruction of cultural and historical monuments in Croatia, in early 1992 her Government had communicated to the Secretary-General a memorandum on the crime of genocide in Croatia and the vandalizing of the Jasenovac Memorial, which was one of the biggest monuments to the victims of fascism in Europe. The memorandum, which was contained in document E/CN.4/1992/71, offered precise data on the activities of the Croatian authorities and their paramilitary and illegal armed forces during 1991 and at the beginning of 1992: under the terms of the Convention on the Crime of Genocide, those activities could be considered as amounting to genocide. In addition to serious violations of their physical and psychological integrity, Serbs in Croatia had been subjected to the destruction of their cultural and spiritual heritage. It was also clear that the Croatian Government and its military authorities had abused the inviolability of buildings used for civilian purposes, such as hospitals, kindergartens, schools and churches, by using them as their military headquarters or for other military purposes, thus purposely exposing civilians to unnecessary suffering in violation of the Geneva Conventions and the Additional Protocols.

63. Lastly, dialogue had been established in an effort to resolve the serious problem of locating prisoners of war and persons who had disappeared, and it was to be hoped that the problem would be resolved as soon as possible.

64. Mr. MARTINEZ (Cuba), speaking in exercise of the right of reply, said that he wished first of all to refer to the statement made by the representative of the International Union of Young Christian Democrats, who had drawn attention to recent executions in Cuba. It should be pointed out that, in one of the three cases, the person sentenced to death had confessed to having infiltrated the country from the United States with the intention of engaging in terrorist acts against the civilian population. Two others had been convicted of killing four Cuban soldiers in cold blood, a circumstance

which the so-called "free press" in Europe had failed to mention. He wondered why the representative of the Young Christian Democrats should ignore the need to apply the Christian concept of clemency to the victims of such atrocities and their families.

65. The representative of Czechoslovakia had stated that his Government was concerned about the human rights situation in Cuba, although in his own country that situation evidently left something to be desired. Recent indicators of economic performance in Czechoslovakia clearly showed that the Government was neglecting an important area of human rights, namely economic and social rights, as reflected in the right to work and the right to an adequate standard of living. Perhaps the Government of the Czech and Slovak Federal Republic would be prepared, as Cuba had been in 1988, to invite an international mission to investigate the situation in its own country.

66. Mr. SALMAN (Iraq), speaking in exercise of the right of reply, said that the representative of France-Libertés had expressed concern at the plight of the Kurdish people in Iraq and had claimed that their towns and villages were being destroyed. She should bear in mind that the hardships which the Iraqi people as a whole, and not merely the Kurds, were experiencing were the direct result of the blockade imposed by the allied coalition through the resolutions of the Security Council.

67. His delegation had repeatedly replied to questions regarding the destruction of towns and villages. The fact was that the Government had established a security zone in border areas between Iran and Iraq and the inhabitants of those areas had already been resettled not far away from their original places of residence. Lastly, he would assure the representative of France-Libertés that the Kurdish population in the Kirkuk region was not exposed to any threat. Nor, for that matter, were the Turkomans or any other minority ethnic group in Iraq.

68. Mr. ADJABI (Algeria), speaking in exercise of the right of reply, said that his delegation would reply at a later meeting to issues raised by the representatives of the American Association of Jurists and the International Movement for Fraternal Union among Races and Peoples.

The meeting rose at 8.40 p.m.